

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:07cv189**

**CHARLOTTE-MECKLENBURG  
BOARD OF EDUCATION,**

**Petitioner/Plaintiff,**

**vs.**

**B.H. by PARENT OR GUARDIAN  
C.H. and W.H.,**

**Respondent/Defendants.**

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**C.H. and W.H., on their behalf, and  
as Parents and Next Friends of  
B.H., a minor,**

**Third-Party Plaintiffs,**

**vs.**

**DR. JANE RHYNE, DR. MICHAEL  
MARCELA, KATHLEEN ELLING,  
and RANDALL McCARTHY,**

**Third-Party Defendants.**

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**O R D E R  
SETTING HEARING ON  
MINOR SETTLEMENT**

**THIS MATTER** is before the Court on the Report of the Mediator [Doc. 26] in this case that the matter is completely settled, and upon counsels' communications with chambers about that settlement.

After the Court was informed that the matter was entirely settled, the Court entered an Order [Doc. 27] that a stipulation of dismissal be filed within thirty days. Rather than filing such stipulation, the parties informed the Court informally that they desired that the Court enter an Order approving their settlement. The parties did not make any motion seeking such approval or file anything with the Court as to the terms of the settlement, even though the parties informally informed the Court of such terms. The parties did, however, make a motion seeking to have the parents of B.H. appointed as his guardian ad litem for the purposes of this litigation. [Doc. 28]. Contemporaneously with the entry of this Order, the Court is entering an Order appointing the parents to serve in such capacity.

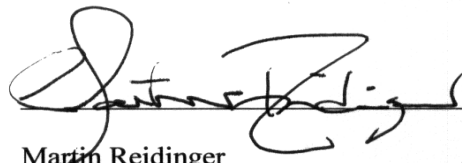
Even with the appointment of the parents as guardian ad litem, the proposed settlement remains one for the benefit of a minor. As such, a hearing on the record will be necessary for the approval by the Court of any such settlement. The Court will set that hearing for Friday, May 1, 2009, at 2:00 pm. In addition, in order for the parties to obtain an Order approving the settlement, the parties will have to file a joint motion setting forth the terms of the settlement and seeking approval thereof.

**IT IS THEREFORE ORDERED** that on or before April 20, 2009, the parties shall file a joint motion setting forth the terms of the settlement they

have reached and which they seek to have approved.

**IT IS FURTHER ORDERED** that the parties shall appear on May 1, 2009, at 2:00 pm for a hearing on minor settlement to be conducted by the Court. Appearance of the parents and guardian ad litem, as well as the appearance of counsel, will be required.

Signed: April 13, 2009

  
Martin Reidinger  
United States District Judge

